

REMARKS

The claims in this application are claims 1-26 and 28-30, claim 27 having been canceled by this amendment. Claims 20-24 and 28-30 have been withdrawn by the Examiner as being directed to a non-elected invention or inventions.

The claims, as amended above, are believed allowable. The suggestions of the Examiner have been accepted in these amendments as follows.

Claim 1, 4 and 7 have been amended by inserting the suggested term “gas”.

Claim 25 has been amended by providing the term “isotope” in singular form.

The rejection of claims 1-9 and 25 under 35 U.S.C. 112, first paragraph has been overcome by removing the term “d¹⁰-metal” and replacing it with the particular metals supported by the original disclosure. Platinum and palladium are supported in the specification at p. 7, lines 33-36. Nickel is disclosed in original claim 20.

The Examiner has rejected claims 1-9, 16, 17 and 25 under 36 U.S.C. 112, second paragraph. Claims 1-9 and 25 have been rejected as being indefinite in the use of the term “d¹⁰-metal”. This rejection has been overcome by the above amendment wherein said term has been removed and replaced by specified metals that are supported in the original disclosure as noted above.

Claims 15 and 17 have been rejected for lack of proper antecedent for the term “column”. This rejection has been overcome by the above amendment wherein an antecedent for the term has been provided in each claim.

Claim 15 has also been rejected for lack of proper antecedent basis for the term “alkaline solution”. This rejection is respectfully traversed in that the dependent claim merely specifies in

some detail the generic process step of “elution with an eluent” found in each of the independent claims upon which claim 15 is dependent. Specifying a particular specific under a generic does not require further antecedent. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Claim 25 has been rejected under 35 U.S.C. 103(a) as being obvious over Brenna '038 or Klatt '660 or Wilbur '651 or Hamrin '484. This rejection is respectfully traversed, particularly in view of the amendment of the claim providing for the transport of the radioiodine isotope. It is submitted that this rejection has been made with some degree of hindsight, given the disclosure of Applicants' invention. The mere fact that it is known that isotopes adsorb onto a metal surfaces does not render obvious the transportable feature of claim 25. The only mention of “transport” in Brenna is in Col. 1, line 40. Such reference refers to hydrogen isotopes down gas lines of the analytical system that is the subject of the invention. There is only a flat statement that palladium and its alloys “absorb” hydrogen including the isotopes at room temperature and then release them at elevated temperature (see Col. 4, lines 7-9). There is no disclosure or suggestion of any portable system as now claimed in claim 25 by Brenna. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 25 under 35 U.S.C. 103(a) on the basis of Brenna.

With respect to Klatt, there is disclosed a hydrogen or hydrogen isotope storage container in the form of a “compressed gas flask” (see Col. 3, line 62). The invention disclosed in this patent is a foil suited to be contained in the flask. The emphasis of this disclosure is on a compressed gas storage device, not a transportable form of radioisotopes as now claimed. There is no suggestion or disclosure of transport of the compressed gas storage device in this reference.

Such concept comes only from the now claimed invention, applied to the non-disclosure of the prior art. As is well known, such hindsight rejections are not a valid basis for a rejection under 35 U.S.C. 103(a). Applicants' disclosure cannot make up for the lack of disclosure in a reference. Accordingly the Examiner is respectfully requested to withdraw the rejection of claim 25 under 35 U.S.C. 103(a) on the basis of Klatt.

Wilbur is in common with the above references in its lack of suggestion with respect to a transport system for the isotope. The disclosure of Wilbur is cumulative to Brenna and Klatt in that there is a bare disclosure of adsorption of an isotope, in this case astatine, on platinum disks. The main point of the patent is to recover the isotope by combining it with a radiopharmaceutical compound. It is in that form that any "transport" would occur according to Wilbur. There is no suggestion or disclosure in Wilbur with respect to adsorption of an isotope on a metal. The only idea of such transport comes from the present application and, as noted above such addition to an otherwise lack of disclosure is not a proper basis for rejection under 35 U.S.C. 103(a). Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 25 under 35 U.S.C. 103(a) on the basis of Wilbur.

With respect to Hamrin, it is noted that this reference is even further removed from the invention than the previously discussed references herein. A series of columns are employed such that each column is alternately placed under high and then low pressure while an isotope of hydrogen is adhered to a metal such as palladium. Transport of such columns is not contemplated by Hamrin as evidenced by the various apparatus disclosed therein. The disclosed process enriches the exit stream of gas and does not provide for maintaining the adsorbed isotope on any surface. This reference could not contemplate a transport system because the adsorbed

gas is subjected to conditions of release so that an enriched deuterium flow of hydrogen gas is released from the packed column after a high pressure-low pressure cycle. See Col. 3, lines 6-12 of Hamrin. The mere adsorption onto a metal does not provide a disclosure of transport on that metal. Such concept comes only from Applicants' disclosure. The only idea of such transport comes from the present application and, as noted above such addition to an otherwise lack of disclosure is not a proper basis for rejection under 35 U.S.C. 103(a). Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 25 under 35 U.S.C. 103(a) on the basis of Hamrin..

As indicated above, none of the references, alone or in combination teach or suggest the present invention of claim 25.

Claim 26 has been rejected under 35 U.S.C. 103(a) on the basis of Arino, et al. This rejection has been overcome by the above amendment. By the above amendment the limitation of claim 27 has been incorporated into claim 26. The Examiner has indicated that claim 27 would be allowable if not dependent on a rejected claim. Accordingly, it is submitted that claim 26 is now allowable. Accordingly, in view of the above amendment the Examiner is respectfully requested to withdraw the rejection of claim 26 on the basis of Arino, et al.

In view of the above amendments and remarks, it is respectfully requested that the Examiner allow the claims and pass the application to issue at the earliest opportunity of the Examiner.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this

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application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicants' undersigned attorney in this regard.

It is respectfully believed that papers may be filed in patent applications by registered attorneys not of record under 37 CFR 1.34(a). Please consider the filing of these papers to be a representation that the undersigned Attorney is authorized to act in a representative capacity on behalf of the Applicants in accordance with the Manual for Patent Examining Procedure (MPEP) Section 405.

Respectfully submitted,

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Kevin M. Kercher
Reg. No. 33,408
Blackwell Sanders Peper Martin LLP
720 Olive Street, 24th Floor
St. Louis, Missouri 63101
(314) 345-6000
ATTORNEY FOR APPLICANTS